

### REMARKS

1. Appellant has modified claim 9 to omit the withdrawn species of buckwheat, pursuant  
10 to Applicant's Reply to the government's Restriction/Election of Species Requirement.  
Evidence Appendix, Exhibit I.

2. Appellant has modified Claims 15 through 20 to avoid dependence from withdrawn  
Claim 14.

3. Appellant has modified claims 9, 11 15, 16, 17, 18, 19 and 20 to designate correct  
antecedent basis.

20 Appellant amended claims which were inadvertently drafted to include no-elected  
species (Claim 8) and a restricted invention (Claim 14). The government addressed these  
claims and the depending claims in its second final office action, based upon enablement

and not withdrawal of non –elected matter. Consequently, enablement became the focus of Appellant’s response to that final office action, and within his time constraints.

Respectively submitted,

A handwritten signature in cursive script, appearing to read "Adrienne B. Naumann".

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Adrienne B. Naumann,

Attorney of Record,

Reg. No. 33,744

On behalf of

10 Marvin J. Williams, Jr., Inventor and Appellant